

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kevin V. Keigley
Patent No.: 5,806,605
Issued: September 15, 1998
Title: IMPLEMENT FOR PREPARING SEEDBEDS
Application No.: 740,374
Filed: October 29, 1996
Group/Art Unit: 3616
Examiner: M. Carone

Attorney Docket No.: Absolute 137-002

Mail Stop Re-issue
Honorable Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RULE 1.132 AFFIDAVIT

I the undersigned, Kevin V. Keigley, a resident of Osceola, Indiana, upon my oath do hereby state the following:

1. I am a person of at least ordinary skill in the art of landscape tools and implements for the reasons that:

- a) I have worked in the landscaping field for 30 years and have owned or managed landscaping businesses for 26 years;
- b) during the time that I have worked in the landscaping field, I have had extensive experience using, repairing, selling, designing, and building landscaping tools and implements including implements for working soil that are towed behind a tow vehicle and are used to grade, till, and smooth the soil using various combinations of scraping blades, scarifying teeth, and smoothing rakes; and,
- c) I am the inventor of multiple implements for working soil to be used in combination

with various drive vehicles, such as skid steers, tractors, all-terrain utility vehicles, and trucks.

2. I am the inventor of an implement for working soil which is described more fully in my United States Patent No. 5,806,605, entitled "Implement for Preparing Seedbeds."

3. It is my opinion that, prior to my invention, it was common practice in the landscaping industry for soil working implements having both scarifying teeth and scraper blades to place the scraper blade behind, or rearwardly of, the scarifying teeth for the purpose of smoothing the scarified soil.

4. Prior to my invention, I was not aware of a soil working implement having both scarifying teeth and a scraper blade used in conjunction in which the scraper blade was positioned ahead of the scarifying teeth.

5. Prior to my invention, it would not have been obvious to make a soil working implement having both scarifying teeth and a scraper blade in which the blade was placed ahead of the scarifying teeth because the blade would normally have been used to smooth the soil, which was needed behind the scarifying teeth, but not ahead of the scarifying teeth.

6. In the course of developing my Implement for Preparing Seedbeds, I became aware that the scraping blade increases the compaction of the soil over which it is scraped.

7. An important function served by placing the blade of my Implement for Preparing Seedbeds ahead of the scarifying teeth was to minimize the effect of the scraper blade compaction on the worked soil in order to provide a worked soil surface that was both smooth and loose or relatively uncompacted.
8. Other functions served by placing the scraper blade ahead of or in front of the scarifying teeth include:
- a) with the blade in front of the scarifying teeth, a more consistent compaction of the finished soil may be achieved because the compaction from the blade tends to compact soil that is overly loose or uncompacted relative to the surrounding soil; and
 - b) placing the blade in front of the scarifying teeth allows the blade to collect and clear away debris before the debris reaches the scarifying teeth and can become entrapped on the teeth.
9. An important function served by placing the scarifying teeth adjacent or very close to the raking tines is to improve the ability of the implement to follow the contours of the ground over which it is being used without unwantedly cutting off peaks and filling in valleys.
10. An important function served by extending the scarifying teeth from the same main frame member as the raking tines is to allow the teeth and the tines to act together so that, when properly rotationally aligned, the tines help control the depth to which the teeth may gouge or enter into the soil by riding on the surface of the soil.

Kevin V. Keigley 11/13/03
Kevin V. Keigley Date

State of Indiana)
)
County of St Joseph) SS:

My commission expires: Feb 13, 2008